

CALIFORNIA STATE PERSONNEL BOARD MEETING
801 Capitol Mall
Sacramento, California

www.spb.ca.gov

Public Session Location - Room 150
Closed Session Location - Room 141

FULL BOARD MEETING MINUTES

SEPTEMBER 6, 2000

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Florence Bos, President
Ron Alvarado, Vice President
Richard Carpenter, Member

2. REPORT OF THE EXECUTIVE OFFICER - Walter Vaughn

The Board was advised of the following:

- A. The Governor's Task Force Report on Diversity and Outreach has been released. The report contains numerous recommendations to enhance the state's recruitment efforts.
- B. The California Supreme Court will hold today (September 6, 2000) oral arguments in the Hi-Voltage Wire Works case. The court's decision may provide further guidance on the extent of outreach permitted by Proposition 209.
- C. State Personnel Board staff met with the Department of Rehabilitation (DOR) and agreed to assist the department with efforts to make state facilities accessible. DOR will assist the Board in exploring

options for improving the representation of persons with a disability in state service.

- D. The report on the State Personnel Board's review of personnel functions of the California Science Center has been released. The Center has added staff in the personnel office and agreed to work with the Board to improve their program and resolve the deficiencies.
- E. Kathie Vaughn has joined the staff of the State Personnel Board.

3. REPORT OF THE CHIEF COUNSEL - Elise Rose

The Chief Counsel reported on:

In the News

- A. Armendarez v. Foundation Health Psychcare Services Inc.
On August 24, 2000, the California Supreme Court issued its decision in this case dealing with the validity of a mandatory employment arbitration agreement requiring the arbitration of anti-discrimination claims. The court found such agreements valid as to Fair Employment and Housing Act claims only if they do not deprive the employee of the statutory benefits to which the employee would otherwise be entitled. The arbitration agreement before the court was found unenforceable based on the fact it was not bilateral and based on the limitation of remedies.
- B. Hi-Voltage Wire Works v. City of San Jose
The California Supreme Court is hearing arguments today (September 6, 2000) in San Francisco at 9:00 a.m. in this case involving the issue of whether the City of San Jose's contracting program created preferences that violated Proposition 209.
- C. Buder v. Office of Environmental Health Hazard Assessment - The state health questionnaire is being challenged as a violation of the privacy provision of the California Constitution.

SPB Appellate Court Litigation

- A. Rice v. State Personnel Board (CDC) - Third District Court of Appeal issued its unpublished decision in this case overturning a trial court decision. The Board had

modified the permanent demotion imposed by CDC to a one-year demotion. The trial court concluded the penalty was still excessive and remanded the matter back to the Board for reconsideration of penalty. CDC appealed. The appellate court overturned the trial court, noting that the Board's penalty determinations are entitled to great deference and finding that the Board had not abused its discretion in imposing a 1-year suspension as the penalty.

- B. G.S. Roe v. State Personnel Board (Department of Justice) - First District court of Appeal issues its unpublished decision in this case overturning a trial court decision that declined to award attorneys fees and costs against the Department of Justice to the plaintiff in this action. The court noted that the appellant had not challenged the trial court's failure to award fees against the Board.
- C. Christopher J. Lauria v. State Personnel Board Trial court had sustained the Board's decision in this matter sustaining a dismissal. The appellant has appealed.

Other Matters:

- A. Disability Task Force - Group is finalizing its draft "Options Letter" to be distributed to departments as a model letter to be given to employees who can no longer perform their job duties as a result of injury or illness. The group has now broken into committees to draft an informational brochure setting forth these options in more detail and providing the answers to frequently asked questions.
- B. State Employee Mediation Program - Several activities are in progress:

September 2000 - Interviews of applicants for Mediation Coordinator position.

September 25, 2000 - Meeting for Department Gatekeepers
Topic: How to Market Mediation Within Your Department.

October 2000 - State Personnel Board Informational Seminar. Introduction to the State Employee Mediation Program.

January 8 through 12, 2001 - Training for Volunteer Mediators.

- C. Whistleblower Laws - Walter Vaughn and Elise Rose met with the Senate Office of Research to discuss current whistleblower laws and processes.

4. REPORT ON LEGISLATION - Judy Balmain

The Board was advised of the following:

- A. Status of the legislative bills that have gone to Enrollment and the bills that died in the process.
- B. The Legislative office has, to date, completed and forwarded 30 enrolled Bill Reports to the Governor's office.
- C. Laura Aguilera and Judy Balmain will be meeting with Senator Escutia to discuss the Bilingual Service program.
- D. Proposed legislation for sponsorship by the State Personnel Board will be discussed at the October 3-4, 2000 Board meeting.

5. ORAL ARGUMENT

Oral argument in the matter of FREDERICK ROBERTSON, CASE NO. 99-3880. Appeal from dismissal. Department of Developmental Services.

Persons Participating:

Ben Allamano, Attorney at Law, representing appellant
Charles McClamma, Labor Relations Specialist, representing
Department of Developmental Services

ACTION: Submitted

6. ORAL ARGUMENT

Oral argument in the matter of M. BRENT EDWARDS, CASE NO. 99-4422. Appeal from constructive termination. Department of Mental Health.

Persons Participating:

Adam N. Stern, Attorney at Law, Levy, Stern & Ford,
representing appellant
Linda M. Nelson, Labor Relations Counsel, Department of
Personnel Administration, representing Department of Mental
Health

ACTION: Submitted

7. ORAL ARGUMENT

Oral argument in the matter of JAMES R. LEKSAN, CASE
NO. 99-1242. Appeal from 60-day's suspension. Department
of Corrections.

Persons Participating:

Appellant was to represent himself but did not show
Wesley Travis, Staff Counsel, representing Department of
Corrections

ACTION: Submitted

8. ORAL ARGUMENT

Oral argument in the matter of CHRISTOPHER RAMOS, CASE
NO. 99-0458P. Appeal from 5 percent reduction in salary FOR
6 MONTHS. Department of Corrections.

Persons Participating:

Ina Arnold, Senior Hearing Representative, California
correctional Peace Officers Association (CCPOA),
representing appellant
Barbara L. Sheldon, Supervising Senior Staff Counsel,
representing Department of Corrections

ACTION: Submitted

9. ORAL ARGUMENT

Oral argument in the matter of MARK LOVINGTON, CASE
NO. 99-3202. Appeal from 30-calendar day's suspension.
Department of Housing and Community Development.

Persons Participating:

Steven Bassoff, Attorney at Law, representing appellant

Andrew B. Pollak, Staff Counsel, Employment Development Department, representing Department of Housing and Community Development

ACTION: Submitted

10. ORAL ARGUMENT

Oral argument in the matter of WILLIAM WILSON, CASE NO. 99-1661. Appeal from dismissal. Department of Corrections.

Persons Participating:

Mark R. Kruger, Attorney at Law, representing appellant Gail T. Onodera, Labor Relations Counsel, Department of Personnel Administration, representing Department of Corrections

ACTION: Submitted

11. ORAL ARGUMENT

Oral argument in the matter of LINDA C. BAER, CASE NO. 99-1303. Appeal from denial of permanent red circle rate. Department of California Highway Patrol.

ACTION: No hearing held, written argument presented to Board and matter submitted

BOARD ACTIONS

4. STATE PERSONNEL BOARD SUMMARY MINUTES OF AUGUST 1, 2000

ACTION: Adopted on September 6, 2000.

VOTE: Bos, Alvarado, Carpenter - Aye.

5. ACTION ON SUBMITTED ITEMS

ACTION: (See pages 22-23)

6. ADMINISTRATIVE LAW JUDGE CASES

On September 6, 2000, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Bos, Alvarado, Carpenter - Aye.

COURT REMAND

JESSIE M. PATTERSON, CASE NO. 97-4386

Appeal from dismissal

Department of the Youth Authority

ACTION: Decision of the Board dated January 18, 1998 set aside and Jessie M. Patterson is ordered reinstated to the position of Group Supervisor at the Heman G. Stark Youth Correctional Facility, Department of the Youth Authority at Chino

CHIEF COUNSEL RESOLUTIONS

ROSE MARY DACANY, CASE NO. 99-4844

Appeal from dismissal

Department of Transportation

ACTION: Appellant's request for the issuance of an order to show cause against the Department of Transportation is denied without prejudice to the right of appellant to seek a judicial remedy.

CHARLES SWART, CASE NO. 99-1185

Appeal from medical demotion

Department of Corrections

ACTION: The Department is ordered immediately upon receipt of this decision to pay appellant the \$10,000.00 as provided in the Board's decision dated January 20, 2000.

PROPOSED DECISIONS

KEVIN McDOWELL, CASE NO. 00-1466

Appeal from 1-step reduction in salary for 6 months

Department of Corrections

ACTION: Reduction in salary sustained

DAVID R. MOON, CASE NO. 00-0344

Appeal from 60-calendar day's suspension

Department of Corrections

ACTION: Suspension revoked

VIVIAN MOSES-HUSK, CASE NO. 00-0061

Discrimination complaint

Department of Developmental Services

ACTION: Discrimination complaint denied

MELINDA G. MARTIN, CASE NO. 00-0730
Appeal from 30 working days suspension
Department of Corrections
ACTION: Suspension sustained

MICHAEL W. MANNING, CASE NO. 99-4545
Appeal from 30-calendar day's suspension
Department of Corrections
ACTION: Suspension modified to 15 working days suspension

JOSEPH F. KENNEY, CASE NO. 00-0042
Appeal from dismissal
Department of Justice
ACTION: Dismissal modified to 9 months suspension

FRANK A. MILNER, CASE NO. 00-1557
Appeal from 1-step reduction in Salary for 6 months
Department of Corrections
ACTION: Reduction in salary sustained

KAREN RECTOR, CASE NO. 00-1813
Appeal from 30 working days suspension
Department of Corrections
ACTION: Suspension modified to 10 working days suspension

CHRISTOPHER C. RODGERS, CASE NO. 99-3558P
Appeal from rejection
Department of Developmental Services
ACTION: Rejection affirmed and appeal denied

ROBERT WYRICK, CASE NO. 00-1038
Appeal from termination without fault (TAU)
Department of Corrections
ACTION: Termination with fault sustained

STEVE GONZALEZ, CASE NO. 00-0727
Appeal from dismissal
Department of Corrections
ACTION: Dismissal sustained

MIKE McCABE, CASE NO. 99-4688
Appeal from demotion
California Exposition and State Fair
ACTION: Demotion modified to temporary demotion for 12 pay periods

HOWARD H. COSTNER, JR., CASE NO. 00-1111
Appeal from official reprimand

State Compensation Insurance Fund
ACTION: Official reprimand revoked

RONALD W. STRANGE, CASE NO. 99-4235
Appeal from dismissal
Department of Motor Vehicles
ACTION: Dismissal sustained

JOSEPH "TIM" OCHOA, CASE NO. 00-1414
Appeal from demotion
Department of Corrections
ACTION: Demotion modified to demotion for 1 year

RANDOLPH HARTHORN, CASE NO. 99-3175
Appeal from dismissal
Department of Developmental Services
ACTION: Administrative Law Judge's proposed decision
rejected by Board. Board to decide case itself

DENNIS R. ARMENTA, CASE NO. 00-0255
Appeal from 5 percent reduction in salary for 12 months
Department of Transportation
ACTION: Reduction in salary sustained

ANTHONY F. ANDRADE, CASE NO. 99-3634
Appeal from rejection
Department of Transportation
ACTION: Rejection affirmed and appeal denied

TIM P. HUBBARD, CASE NO. 00-0749
Appeal from 5 percent reduction in salary for 6 months
Department of Corrections
ACTION: Reduction in salary revoked

BEVERLY FALK, CASE NO. 98-5134
Discrimination/retaliation complaint
Department of Justice

ACTION: Discrimination/retaliation complaint denied

RICHARD E. RIDDLE, CASE NO. 00-1309

Appeal from official reprimand

Department of Corrections

ACTION: Official reprimand revoked

PETITIONS FOR REHEARING

MARTIN L. SMITH, CASE NO. 98-4017P

Appeal from dismissal

Department Fish and Game

ACTION: Petition for rehearing filed by respondent granted

LONNIE DeWITT, CASE NO. 00-0028P

Appeal from rejection

Department of Social Services

ACTION: Petition for rehearing filed by appellant denied

REQUEST TO FILE CHARGES, CASE NO. 97-2056P

BY MICHAEL EVANS

Against GAYLE WELCH-BROWN

From her position of Accounting Administrator I

State Controller's Office

ACTION: Petition for rehearing filed by charged party
denied

LAWRENCE WEST, JR., CASE NO. 00-0145P

Appeal from termination with fault

Department of Forestry and Fire Protection

ACTION: Petition for rehearing filed by respondent denied

RAUL JOSEPH DEJESUS, CASE NO. 00-2495

Appeal from dismissal

Department of Social Services

ACTION: Petition for rehearing filed by respondent denied

7. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1
EXTENSION.

ACTION: (See Pages 24-26)

8. MISCELLANEOUS APPEALS DIVISION CASES

Withholds, Voided Appointments, Rule 211 Appeals, Petitions for Rehearing)

On September 6, 2000, the Board adopted the following decisions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Alvarado, Carpenter - Aye.

- A. COLLETTE WYNNE, CASE NO. 00-1065
Classification: Janitor
ACTION: DENIED
- B. GEORGE ZUKOWSKI, CASE NO. 99-4206
Classification: Associate Programmer Analyst (Spec.)
ACTION: DENIED
- C. JOSHUA IANNEO, CASE NO. 99-4006
Classification: Cadet, California Highway Patrol
ACTION: DENIED
- D. KEVIN M. MCDONNELL, CASE NO. 00-0051
Classification: Youth Correctional Officer
ACTION: GRANTED
- E. PAUL THOMPSON, CASE NO. 99-5107
Classification: Correctional Officer
ACTION: GRANTED
- F. PATRICK H. ALVAREZ, CASE NO. 00-0528
Classification: Correctional Officer
ACTION: DENIED
- G. PHILIP J. COUGHLIN, CASE NO. 99-5323
Classification: Hospital Peace Officer
ACTION: DENIED
- H. MONICA CRIVELLONE, CASE NO. 00-0618
Classification: Youth Correctional Officer
ACTION: DENIED
- I. MING P. DANG, CASE NO. 99-4910
Classification: Associate Information Systems Analyst
ACTION: DENIED
- J. KENNETH DAVIS, CASE NO. 00-0619
Classification: Youth Correctional Counselor
ACTION: DENIED
- K. JAMES R. EDWARDS, CASE NO. 00-1358
Classification: Correctional Officer
ACTION: DENIED

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- L. EDWARD HARRIS, CASE NO. 00-0829
Classification: Correctional Officer
ACTION: DENIED
- M. HERBERT L. JOHNSON, CASE NO. 99-5045
Classification: Correctional Officer
ACTION: DENIED
- N. JERMAINE JOHNSON, CASE NO. 99-4918
Classification: Correctional Officer
ACTION: DENIED
- O. JAVIER LARA, CASE NO. 99-5038
Classification: Correctional Officer
ACTION: DENIED
- P. CHRISTOPHER MACIAS, CASE NO. 00-1192
Classification: Correctional Officer
ACTION: DENIED
- Q. NORCHEE M. MURPHY, CASE NO. 99-4908
Classification: Correctional Officer
ACTION: DENIED
- R. THOMAS D. POWERS, CASE NO. 00-0800
Classification: Correctional Officer
ACTION: DENIED
- S. JEFFREY L. QUALLS, CASE NO. 00-0297
Classification: Correctional Officer
ACTION: DENIED
- T. DURWIN L. ROBINSON, CASE NO. 00-0689
Classification: Correctional Officer
ACTION: DENIED
- U. DAVID SAUNDERS, CASE NO. 99-4917
Classification: Correctional Officer
ACTION: DENIED
- V. CHRISTOPHER R. SMITH, CASE NO. 00-0613
Classification: Hospital Peace Officer
ACTION: DENIED
- W. TRACY STITT, CASE NO. 00-0296
Classification: Correctional Officer
ACTION: DENIED

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- X. DARREN M. STRINGER, CASE NO. 99-5269
Classification: Correctional Officer
ACTION: DENIED
 - Y. EDWARD L. SYKES, CASE NO. 00-0298
Classification: Parole Agent I, Adult Parole
ACTION: DENIED
 - Z. RANDY TRIPLETT, CASE NO. 99-4174
Classification: Correctional Officer
ACTION: DENIED
 - AA. GUILLERMO A. VELASCO, CASE NO. 00-0215
Classification: Correctional Officer
ACTION: DENIED
 - BB. BOWIER J. ALFOGBANAH, CASE NO. 00-1339
Classification: Food Service Worker I
ACTION: DISMISSED
 - CC. RUTH FERM-PARKYN, CASE NO. 00-0223
Classification: Key Data Operator
ACTION: DISMISSED
 - DD. PATRICK S. FILER, CASE NO. 00-1918
Classification: Correctional Officer
ACTION: DISMISSED
 - EE. YOLANDA M. GERALD, CASE NO. 00-1789
Classification: Correctional Officer
ACTION: DISMISSED
 - FF. CONSTANCE F. LESTER, CASE NO. 00-1338
Classification: Food Service Worker I
ACTION: DISMISSED
 - GG. TIMOTHY WOKEE, CASE NO. 00-1947
Classification: Unknown
ACTION: DISMISSED
 - HH. MICHAEL J. BRAVO, CASE NO. 00-1859
Classification: Correctional Officer
ACTION: DISMISSED
9. MEDICAL APPEALS
- On September 6, 2000, the Board adopted the following decisions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.
- VOTE: Bos, Alvarado, Carpenter - Aye.

- A. SANDY BOCK-ADAMS, CASE NO. 99-4864
Classification: Communications Operator II, CHP
ACTION: GRANTED
- B. LINDA K. DUDDY, CASE NO. 00-1291
Classification: Office Technician (Typing)
ACTION: GRANTED
- C. CYNTHIA M. LEE, CASE NO. 00-0971
Classification: Youth Correctional Officer
ACTION: GRANTED
- D. JAMES F. WHITE, CASE NO. 00-0501
Classification: Correctional Officer
ACTION: GRANTED
- E. MONIQUE AVILA, CASE NO. 00-2270
Classification: Correctional Officer
ACTION: GRANTED
- F. CESAR LUJAN, CASE NO. 00-2350
Classification: Correctional Officer
ACTION GRANTED
- G. MARK SAIKI, CASE NO. 00-2269
Classification: Fraud investigator, DOI
ACTION: GRANTED
- H. PAUL DOUGLAS, CASE NO. 00-1257
Classification: Assistant Information System Analyst
(Spec.)
ACTION: DISMISSED
- I. CORINTHIA RODRIQUEZ, CASE NO. 00-1156
Classification: Correctional Officer
ACTION: DISMISSED

10. EXAMINATION APPEALS

On September 6, 2000, the Board adopted the following decisions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Alvarado, Carpenter - Aye.

- A. PEGGY GORMAN, CASE NO. 99-4192
Final Filing Date: July 29, 1999
Examination: Supplemental Application
Class: Office Technician (Typing)

Testing Agency: Employment Development Department
Appeal Received: September 30, 1999
ACTION: GRANTED

11. MERIT ISSUE COMPLAINT APPEALS

On September 6, 2000, the Board adopted the following decisions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Alvarado, Carpenter - Aye.

A. KELLY KLEMP, CASE NO. 99-3860

Classification: Associate Caltrans Administrator

ACTION: DENIED

12. RULE 212 OUT-OF-CLASS APPEALS

On September 6, 2000, the Board adopted the following decisions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Alvarado, Carpenter - Aye.

A. KEN HOM, CASE NO. 00-0610

Classification: Driver Safety Manager I, or Principal Driver Safety Officer

ACTION: DENIED

13. REQUEST TO FILE CHARGES CASES

On September 6, 2000, the Board took the following actions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Alvarado, Carpenter - Aye.

A. CLELEN C. TANNER, D.D.S., CASE NO. 99-1780

Classification: A member of the general public

ACTION: DENIED

B. THEA D'ANGELO, CASE NO. 99-3541

Classification: An employee of the California Department of Corrections (CDC)

ACTION: DENIED

C. LEROY FREEMAN, CASE NO. 99-4024

Classification: An employee of the Department of the Youth Authority (DYA)

ACTION: DENIED

D. JOYCE LEWIS, CASE NO. 99-1473

Classification: An employee of the Department Motor Vehicles (DMV)

ACTION: DENIED

- E. JUANITA MCKINLEY, CASE NO. 99-1847
Classification: A member of the general public
ACTION: DENIED
- F. EMIL POLLAK, CASE NO. 99-1383 and 99-2442
Classification: An employee with the Board of Equalization (BOE)
ACTION: DENIED
- G. RAE ANNE SPENCER, CASE NO. 99-1786
Classification: An employee of the Board of Equalization (BOE)
ACTION: DENIED
- H. DWAYNE HALLIBURTON, CASE NO. 99-0040
Classification: Correctional Officer
ACTION: DENIED
- I. EVANGELINE SKIERKA, CASE NO. 00-1781
Classification: Unknown
ACTION: DISMISSED

14. NON-HEARING CALENDAR

On September 6, 2000, the Board adopted items A-C. These items were presented by Walter Vaughn, Executive Officer, California State Personnel Board.

VOTE: Bos, Alvarado, Carpenter - Aye.

- A. ASSOCIATE OIL AND GAS ENGINEER
The Department of Conservation is proposing to revise the minimum qualifications for the Associate Oil and Gas Engineer class; and minor revisions to the Oil and Gas Engineer series specification.
- B. DENTAL ASSISTANT (SAFETY)
DENTAL HYGENIST (SAFETY)
CLINICAL LABORATORY TECHNOLOGIST (SAFETY)
SENIOR CLINICAL LABORATORY TECHNOLOGIST (SAFETY)
SUPERVISING CLINICAL LABORATORY TECHNOLOGIST (SAFETY)
ELECTROENCEPHALOGRAPHIC TECHNICIAN (SAFETY)
DIETETIC TECHNICIAN (SAFETY)
RADIOLOGICAL TECHNOLOGIST (SAFETY)
SUPERVISING CLINICAL LABORATORY TECHNICIAN
SENIOR RADIOLOGICAL TECHNOLOGIST SUPERVISOR

The Department of Developmental Services proposes to establish the new classes of Dental Assistant (Safety), Dental Hygienist (Safety), Clinical Laboratory Technologist (Safety), Senior Clinical Laboratory Technologist (Safety), Supervising Clinical Laboratory Technologist (Safety), Electroencephalographic Technician (Safety), Dietetic Technician (Safety), and Radiological Technologist (Safety) series. A 6-month probationary period is proposed for all of the classes with the exception of the Supervising Clinical Laboratory Technician and Senior Radiological Technologist Supervisor classes for which a 12-month probationary period is requested.

- C. SOUTH LAKE COUNTY FIRE PROTECTION DISTRICT EMPLOYEES
To amend Board item adopted June 6, 2000 for blanketing South Lake County Fire Protection District employees into state civil service. One of the Fire Apparatus Engineers (Paramedic) and the Office Technician (Typing) will not be transferring into state civil service.

15. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

- A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY UNDER CONSIDERATION

- (1) EXECUTIVE DIRECTOR, NEW MOTOR VEHICLE BOARD
The Department of Motor Vehicle proposes to allocate the above position to the CEA category. The Executive Director will be the New Motor Vehicle Board's (Board) highest ranking administrative officer and will be responsible for discharging the statutory functions of the Board and for managing the full range of administrative and case processing related to the Board's operations. The department indicates that the position is at the first organizational level and will report directly to the New Motor Vehicle Board.
- (2) CHIEF ASSISTANT TO THE DIRECTOR
The Department of Managed Health Care proposes to allocate the above position to the CEA category. The Chief Assistant to the Director is responsible for advising and assisting the Director and Chief Deputy Director in the development and implementation of policies, regulations and programs designed to administer and enforce state

laws that ensure the accessibility and availability of medically necessary health care delivered through financially sound managed health care plans. The department indicates that the position is at the second organization level and will report directly to the Directorate.

(3) ASSISTANT SECRETARY

The Health and Human Services Agency proposes to allocate the above position to the CEA category. The Governor has signed AB 452 that establishes a long-term care council within the Health and Human Services Agency. This position will serve as chief advisor to the Secretary, Health and Human Services Agency and the Governor on long-term care issues. The department indicates that the position is at the third organizational level and will report directly to the Deputy Secretary for Program and Fiscal Affairs.

(4) ASSISTANT DIRECTOR, OFFICE OF ENVIRONMENTAL EDUCATION

The California Waste Management Board proposes to allocate the above position to the CEA category. The Assistant Director, Office of Environmental Education, plans, organizes and directs the activities of the Office of Environmental Education which is responsible for the development and implementation of a coordinated and unified education effort encompassing all environmental concepts into an integrated program. The department indicates that the position is at the second organizational level and will report directly to the Chief Deputy Director.

(5) DIRECTOR, OFFICE OF PROGRAM REVIEW AND AUDITS

The Department of Justice proposes to allocate the above position to the CEA category. The position will be responsible for the Office of Program Review and Audits (OPRA) and for providing strategies and policy direction on a broad spectrum of audits and financial issues central to the critical missions of the Department of Justice and having a significant impact on all departmental programs. The department indicates that the position is at the second organizational level and will report directly to the Chief Deputy Attorney General, Administration and Policy.

(6) ASSISTANT DIRECTOR, FINANCIAL SOLVENCY STANDARDS BOARD

The Department of Managed Health Care proposes to allocate the above position to the CEA category. The Assistant Director serves as the Director's designee on the Financial Solvency Standards Board (Board) and will be responsible for providing executive level leadership and support to the Board, including all aspects of planning and organizing necessary for the Board to carry out its legislative mandate of developing and recommending financial solvency requirements and standards to the Director that impact the entire managed health care industry. The department indicates that the position is at the second organizational level and will report directly to the Director.

(7) EXECUTIVE DIRECTOR, SALINAS VALLEY PSYCHIATRIC PROGRAM

The Department of Mental Health proposes to allocate the above position to the CEA category. The Executive Director will be responsible for establishing the new psychiatric program at Salinas Valley, including staff recruitment and hiring; develop training programs; address licensing requirements; establish program policies and procedures; set up the internal department's within Salinas Valley State Prison (SVSP); establish links with the State Controller's Office and the department's headquarters; participate in SVSP and the Long Term Care Services management teams; develop staff orientation programs; develop and coordinate admission and transfer process; develop beneficial relationships with the local community and governmental entities; and purchase equipment and supplies. The department indicates that the position is at the third organizational level and will report directly to the Deputy Director.

(8) CHIEF, LEGISLATION, POLICY AND PROGRAM DEVELOPMENT BRANCH

The Board of Control proposes to allocate the above position to the CEA category. The Chief of Legislation Policy and Program Training Branch (LPPT) is responsible for planning, organizing and directing the LPPT functions within the Board of Control (Board), including the research, planning

and development, implementation, publication and program development of statewide policies, and the development and delivery of program training internally and statewide for all programs administered by the Board. The department indicates that the position is at the second organizational level and will report directly to the Executive Officer.

(9) SPECIAL ASSISTANT TO THE DIRECTOR FOR FIELD OPERATIONS

The California Conservation Corps proposes to allocate the above position to the CEA category. The Special Assistant to the Director for Field Operations is responsible for assuring the coordination required between the Headquarters Divisions and the eleven Service Districts throughout the state to effectively manage the Department's programs, and will coordinate implementation of new and revised policies with Headquarters Division and the Services Districts, and provide policy interpretation. The department indicates the position is at the second organizational level and will report directly to the Directorate.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW CEA POSITIONS

(1) ASSISTANT SECRETARY FOR LOCAL PROGRAMS

The California Environmental Protection Agency's proposal to allocate the above position to the CEA category has been approved effective July 6, 2000.

(2) LIBRARY BOND ACT MANAGER

The California State Library's proposal to allocate the above position to the CEA category has been approved effective August 4, 2000.

(3) CHIEF, OFFICE OF LEGISLATION

The Department of Child Support Services proposal to allocate the above position to the CEA category has been approved effective August 11, 2000.

C. REQUESTS TO REFILL CEA POSITIONS ESTABLISHED BETWEEN 6/30/95 AND 1/1/99

(1) ASSISTANT CHIEF COUNSEL

The Department of Health Services is requesting to refill the above position.

- (2) CHIEF, OFFICE OF POLICY DEVELOPMENT AND FORECASTING
The Department of Food and Agriculture is requesting to refill the above position.
- (3) ASSISTANT SECRETARY, PROGRAM AND FISCAL AFFAIRS
The California Health and Human Services Agency is requesting to refill the above position.
- (4) DIRECTOR, FILING SYSTEMS BUREAU
The Franchise Tax Board is requesting to refill the above position.
- (5) REGIONAL ADVISOR
The Department of Social Services is requesting to refill the above position.
- (6) CHIEF, SPECIAL PROJECT BUREAU, PERSONNEL/PAYROLL SERVICES DIVISION
The State Controller's Office is requesting to refill the above position.
- (7) DEPUTY DIRECTOR, FACILITIES DEVELOPMENT DIVISION
The Office of Statewide Health Planning and Development is requesting to refill the above position.
- (8) CHIEF, INFORMATION SYSTEMS AND SERVICES OFFICE
The Department of Water Resources is requesting to refill the above position.
- (9) ASSISTANT DIRECTOR, OFFICE OF ORGANIZATIONAL EFFECTIVENESS
The California Integrated Waste Management Board is requesting to refill the above position.

D. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO REFILL CEA POSITIONS ESTABLISHED BETWEEN 6/30/95 AND 1/1/99

- (1) DISTRICT SUPERINTENDENT
The Department of Parks and Recreation's request to refill the above positions has been approved

effective July 12, 2000, on a limited term basis through June 30, 2001.

- (2) CHIEF, BUREAU OF FINANCE
The Teale Data Center's request to extend the above position through December 31, 2000 has been approved effective August 10, 2000.
- (3) CHIEF, HUMAN RESOURCES BRANCH
The Department of Motor Vehicles request to refill the above position has been disapproved effective August 11, 2000.

ACTION: Noted

A D J O U R N M E N T

SUBMITTED

1. AARON TUTER, CASE NO. 99-3383. Appeal from dismissal. Department of Corrections. (Oral argument held June 6, 2000).

NO ACTION

2. JEANETTE DUTTON, CASE NO. 98-2550. Appeal from dismissal. Department of Corrections. (Oral argument held July 6, 2000).

NO ACTION

3. HEARING - COMPETITIVE CEA EXAMINATIONS
EXISTING RULE 548.40 IS AMENDED TO COMPLY WITH THE FINDING
IN ALEXANDER V SPB THAT CEA EXAMINATION CANDIDATES MUST BE
RANKED AND COMPARED AGAINST THE RELEVANT QUALIFICATIONS FOR
THE POSITION AND ALSO AGAINST EACH OTHER. (Hearing held
July 6, 2000).

NO ACTION

4. MARY CATHERINE GRAY, CASE NO. 98-0578. Appeal from
dismissal. Department of Corrections. (Oral argument held
August 1, 2000).

ACTION: On September 6, 2000, adopted Board decision
revoking dismissal.

VOTE: Bos, Alvarado, Carpenter - Aye.

5. SULEMAN A. MOOSA, CASE NO. 98-3503. Appeal from demotion.
California State University, Chico. (Oral argument held
August 1, 2000).

ACTION: On September 6, 2000, adopted Board decision
modifying demotion from Professor for 5 years to demotion to
Assistant Professor for one academic year.

VOTE: Bos, Alvarado, Carpenter - Aye.

6. DEPUTY COMMISSIONER, BOARD OF PRISON TERMS (SAFETY)
(Hearing held August 1, 2000).

NO ACTION

7. PROPOSITION 35 (PUBLIC WORKS PROJECT)
(Hearing held August 1, 2000).

NO ACTION

TRACI A. STEVENS, CASE NO. 99-4790
Appeal from termination of Career Executive Assignment
TRACI A. STEVENS, CASE NO. 99-5102
Discrimination complaint. California Energy Commission.
(Written argument presented September 6, 2000.)

NO ACTION

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional forty-five days, the Board hereby publishes its substantial reasons for the need for the forty-five day extension for some of the cases now pending before it for decision.

An additional forty-five days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases

that meet the above criteria, and that have been before the Board for less than 6 months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on September 6, 2000.

WALTER VAUGHN
Executive Officer
California State Personnel Board

VOTE: Bos, Alvarado, Carpenter - Aye.